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RUEHKO/AMEMBASSY TOKYO 6642
RUEHGV/USMISSION GENEVA 4455
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RUCNDT/USMISSION USUN NEW YORK 2448
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000315

SIPDIS

STATE FOR EAP, IO AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: BURMA: PREPARING FOR THE ILO ANNUAL CONFERENCE

REF: A. RANGOON 133
[B](#). RANGOON 153
[C](#). RANGOON 045

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d).

Summary

[1](#)1. (C) Although the Burmese Government has taken steps to address forced labor and child soldier recruitment, the use of forced labor remains widespread. During the upcoming June ILO Annual Conference in Geneva, Embassy Rangoon encourages the U.S. delegation to press the GOB to strengthen its commitment under the Supplementary Understanding (SU) on Forced Labor, including conducting education awareness and imposing harsher punishments for perpetrators of forced labor and child soldier recruitment, particularly military officers. End Summary.

Addressing Forced Labor

[1](#)2. (C) ILO Liaison Officer Steve Marshall reports that since the Government of Burma (GOB) established a mechanism for the filing and investigation of forced labor complaints under the February 2007 Supplementary Understanding (SU) on Forced Labor, it has taken steps to address both forced labor and the use of child soldiers. According to Marshall, the GOB publicly supports the SU and the mechanism by which people can initiate formal complaints about forced labor practices. The GOB agreed to extend the SU for an additional year (until February 2010) during the February 2009 visit to Burma of ILO Executive Director Kari Tapiola. During the past year, the GOB, particularly the military, has encouraged the ILO to engage in awareness-raising activities and has willingly participated in joint investigations of forced labor cases -- a clear improvement. Marshall advises that during the upcoming June ILO Conference in Geneva, ILO members should push the GOB to improve further the application of the SU by preventing the harassment of forced labor complainants and facilitators, increasing educational outreach, and properly punishing all perpetrators of forced labor.

¶3. (C) According to Marshall, the ILO has received more than 150 forced labor complaints since February 2007. After investigation, the ILO has submitted approximately 95 cases to the GOB for action; the ILO dismissed the remaining cases due to lack of evidence or lack of a complainant. The GOB resolved 70 Of the 95 cases, although Marshall said the ILO is not satisfied with the GOB's inadequate punishment of military officers involved in forced labor. Marshall told us that the ILO is still investigating an additional 10 cases.

Regime Needs to Make Burmese Aware of Rights

¶4. (C) According to Marshall, the modest number of forced labor complaints does not accurately reflect the severity of the problem. The main reason for the relatively low number of complaints is the Burmese people's lack of awareness of both their labor rights and the complaint filing process (Ref A). In February 2009, the GOB approved for ILO dissemination a Burmese-language translation of the SU; however, the GOB has yet to approve publication of a brochure on how to file a complaint. Marshall told us the Minister of Labor suggested the ILO amend the SU translation to include a brief introduction that would include details on how to file a case -- as the GOB finds it easier to amend an existing document than approve a separate one. The ILO is currently working with the Ministry of Labor on draft language.

¶5. (C) During the past year, the Ministry of Labor and the military have encouraged the ILO to increase

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awareness-raising activities throughout the country. Since the June 2008 ILO Conference, Marshall and the Ministry of Labor have conducted seven awareness activities in different regions, including ethnic minority areas that are politically sensitive for the Burma government, educating more than 600 military recruiters and senior officials, Regional Commanders, township officials, judges, and police. For example, in 2009, Marshall has traveled to Karen and Shan States, educating not only government and military officials but also members of 10 ceasefire and armed groups.

¶6. (C) Despite outreach efforts, Marshall said people remain afraid of reprisal should they file a forced labor complaint, particularly if they are affiliated with the National League for Democracy (NLD) or other opposition groups. Since 2007, 14 facilitators and complainants have been arrested or harassed for working with the ILO; and the majority were affiliated with the NLD or other political groups. Currently four of the 14 remain in prison, charged with violating either the Secrecy Act or the Legal Association Act. Marshall noted that the GOB has not harassed any facilitators of child-soldier cases.

Child Soldier Cases Increase

¶7. (C) We do not have an exact total on the number of forced labor complaints involving the military, but approximately half of the forced labor complaints since the June 2008 ILO Conference have dealt with child soldier recruitment, Marshall explained, and reporting of child soldier cases is on the rise. He said complainants in child soldier recruitment cases do not experience reprisals and are thus sometimes willing to come forward. The GOB has resolved all child soldier cases, working with the ILO to identify the children and return them to their families. Marshall underscored that the military often does not adequately punish, by ILO standards, those who recruit children -- an issue the ILO has raised frequently since 2007. In the past year, the military has taken some steps to improve punishments: in four cases, military perpetrators either lost one month to one year's salary or lost one year in service.

¶18. (C) The GOB has also responded positively to ILO requests to conduct training of military and civilian officials on the legal aspects and application of ILO Convention 29 on Forced Labor, the Burmese Law on Child Soldiers and Forced Labor, best practices to prevent recruitment of children, and recruitment record-keeping, including proof of age for new soldiers. However, while Marshall acknowledges progress in several areas concerning child soldiers, he notes the military needs to apply criminal punishments for all cases, rather than just administrative penalties.

ILO Access Unimpeded

¶19. (C) Marshall noted that the Ministry of Labor has met its access obligations under the SU, granting his requests to travel around Burma without a GOB liaison officer to investigate forced labor complaints. The Ministry of Labor is also working with the ILO to secure a visa for an international monitor to work with the GOB on child soldier issues under Resolution 1612.

Burma Delegation to Include Worker Representative

¶10. (C) During the past year, the GOB Working Group on Labor has begun efforts to implement the labor provisions included in the regime's new constitution (Ref C). Marshall continues to urge the GOB to allow for the development of free, independent labor representation. According to Marshall, the GOB's National Consultative Committee, whose

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members attend the ILO meetings as part of the government's delegation, will include a workers' representative elected by peers. During the past six months, Ministry of Labor officials coordinated with workers in 37 industrial zones in Rangoon, encouraging them to elect a delegate to represent their interests in upcoming discussions on labor. After a series of elections, which Marshall witnessed, the delegates elected one person to sit on the National Consultative Committee as well as an alternate and an advisor. The process was not rigged, according to Marshall, but did have shortcomings: elected workers represented only the textile and garment sector, and only workers from industrial zones in Rangoon Division participated.

Comment

¶11. (C) While the GOB has taken some steps to address, prevent, and respond to forced labor cases since 2007, the ILO is fully justified in urging the regime to do more. We recommend the U.S. delegation emphasize during the June ILO Conference that GOB harassment and arrest of ILO facilitators represent a clear violation of the GOB's commitments under the SU and limit the ability of the ILO to operate in Burma. Additionally, we recommend that the U.S. delegation take a strong position regarding the need for criminal punishment of both civilian and military perpetrators of forced labor. We also recommend the delegation push for increased educational outreach, including a Burmese-language brochure that explains how to file a complaint and permission for the ILO to educate the general public about labor rights.

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